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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR     | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------|---------------------|------------------|
| 09/664,460      | 09/18/2000  | Robert Ellis Chapman JR. | Y0R920000625US1     | 4303             |

7590 12/18/2002

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EXAMINER

SHARMA, SUJATHA R

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                            |                  |
|------------------------------|----------------------------|------------------|
| <b>Office Action Summary</b> | Application No.            | Applicant(s)     |
|                              | 09/664,460                 | CHAPMAN ET AL.   |
|                              | Examiner<br>Sujatha Sharma | Art Unit<br>2682 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-21 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 and 18-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 12-17 and 21 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                          | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)      | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-11,18-20 are drawn to a network node device with power supply and battery charger. The claims in this group are classified in class 455, subclass 561.
  - II. Claims 12-17 and 21 are drawn to call initialization. The claims in this group are classified in class 455, subclass 411.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions of group 1 and group 2 are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group 1 has separate utility such as a network node device capable of connecting to a plurality of wirelines and one or more controllable interconnections between the telephone wirelines and wireless signal generators, group 2 is drawn mainly to call initialization / setup. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and the search required for each of the groups being different, restriction for examination purposes as indicated is proper.
5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

8. During a telephone conversation with Derek S. Jenkins [Reg. No. 41,473] as agents of record for the present application [Serial No. 09/664,460] on December 02, 2002, an election was made with traverse to prosecute the invention of Chapman et al, claims 1-11, 18-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 12-17 and 21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-11, are rejected under 35 U.S.C. 102(b) as being anticipated by Snelling [WO 98/49850].

The above cited reference is included in the applicant's information disclosure statement (IDS).

Regarding claim 1 and 2, Snelling discloses a system for connecting telecommunication lines to telephones, handsets, computers and other end user interfaces or consumer electronic devices in a residence or business. Snelling further discloses the wireless device connected to a plurality of wirelines via network interface devices. Snelling further discloses controllable interconnections between the wireline and wireless devices. See summary of invention.

Regarding claim 3, Snelling further discloses the network control unit to include processors and memory for controllable interconnections between the wireline and wireless devices. See page 12, lines 25-30.

Regarding claim 4, Snelling further discloses the memory in the network control unit to include long-term storage for information. See page 12, lines 25-30.

Regarding claim 5, Snelling further discloses a method where the information stored includes phone identifiers and one or more connected wirelines. See Figures 11A and 11B.

Regarding claim 6, Snelling further discloses the network control unit to include wireline telephony signal generators. See summary of invention, fig.1 and page 8, line 20- page 12, line10.

Regarding claim 7, Snelling further discloses a method of generating DTMF tones. See page 14, lines 8-19.

Regarding claims 8 and 9, Snelling discloses a method where the information stored includes a connection process to control interconnections of the network control unit between wireline and wireless signal generators. Snelling further discloses a method where the controllable interconnection is non-blocking. See Figures 1, 11A and 11B, summary of invention, page 12, line11 – page 16, line 16, page 21, line 10 – page 23, line 11.

Regarding claim 10, Snelling further discloses a method where the controllable interconnection is any to any. See summary of invention.

Regarding claim 11, Snelling further discloses a method where the interconnection is a bus. See page 10, lines 20-26.

11. Claims 1,2,6 are rejected under 35 U.S.C. 102(b) as being anticipated by Chambers [US 5,867,485].

Regarding claims 1,2, and 6, Chambers discloses a system for connecting telecommunication lines to telephones, handsets, computers and other end user interfaces or consumer electronic devices in a residence or business. Chambers further discloses the wireless device connected to a plurality of wirelines via remote node transceivers. Chambers further discloses controllable interconnections between the wireline and wireless devices. See summary of invention and Fig.1.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snelling [WO 98/49850] in view of Chambers [US 5,867,485].

Snelling as treated in claim 1 does not disclose the network node device to comprise of a power supply and the power supply comprising of trickle battery charger and further the battery charger connected to solar cells.

Chambers teaches a system with network node devices and network interface units to replace the last mile fiber/coaxial/twisted pair loop to the curb line wireline networks from residences and/or businesses. Chambers further teaches the method of supplying power to the network interface unit to feed the various components of the unit along with a battery backup. Chambers further teaches the use of solar panels that are used to trickle charge the battery when not in use. See Figures 1 and 4 and column 9, lines 40-50.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the above teachings of Chambers in Snelling's system in order to power the components of the network node for optimal operation and further use the battery backup when power is interrupted.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Struhsaker [US 6,188,912] discloses a system for base station for providing voice, data and multimedia services in a wireless local loop system.

Baird [6,115,603] discloses a class in-band delivery over fixed access communication systems. Hemmie [US 5,437,052] discloses MMDS over-the-air bi-directional TV/data transmission system and method thereof.

Ohmori [6,052,573] discloses a fixed subscriber unit of wireless local loop system.

Lim [US 5,995,851] discloses an outdoor receiver system of a mobile communication base station.

Art Unit: 2682

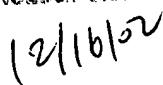
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned and for all official communications is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

  
Sujatha Sharma  
December 4, 2002

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

  
12/16/02